

**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION**

Case No. **3:11-CV-00801-ST, 3:11-CV-01347-ST**

Date: **January 20, 2012**

Case Title: **Bonneau v Thomas**

Presiding Judge: **Anna J. Brown**

Courtroom Deputy: **Bonnie Boyer**

Reporter:

DOCKET ENTRY: Order

RECORD OF PROCEEDING:

On January 19, 2012, the Court held a hearing to address recent filings by Petitioner Bonneau in Case Nos. 11-CV-801-ST and 11-CV-1347-ST. Petitioner participated by telephone from FCI Sheridan. Respondent appeared through AUSA Ronald K Silver and BOP counsel Troy Dorrett.

For the reasons stated on the record, and particularly because all of Petitioner's recent complaints involve his recent conditions of confinement and, therefore, are subject to the requirement that he first exhaust his administrative remedies before he may raise such complaints in federal court, the Court **DENIES** each of Petitioner's pending Motions in 11-CV-801-ST (#54, 58) and in 11-CV-1347-ST (#16, #17, #24, #25, #26, #29). After Petitioner exhausts his administrative remedies as to any such recent complaint, Petitioner may file a new action in this District Court to litigate his issues. Petitioner shall **not** raise these new matters in either of his pending cases (11-CV-801-ST or 11-CV-1347-ST).

The Court directed AUSA Silver personally to ensure delivery to Petitioner as soon as practicable six (6) administrative grievance forms together with a writing utensil (within the scope of Bureau of Prisons rules) to permit Petitioner to complete grievance forms in a legible manner and to begin the administrative grievance process regarding the allegations he has raised in his recent filings and Motions as to these recent conditions of his confinement. AUSA Silver shall ensure delivery in accordance with this Court's Order and file a notice in the record of both pending matters indicating, based on his personal knowledge, that Petitioner received the grievance forms. Within thirty (30) days from the filing of that notice, AUSA Silver shall file a status report in both matters updating the Court as to the procedural progress of any new grievances filed by Petitioner. If Respondent asserts Petitioner has not filed any new grievance as of that date, Mr. Silver shall provide the factual basis for such an assertion.

As set out on the record, the Court also directs Petitioner to return to Respondent the unredacted draft version of Exhibit 1 to the Declaration of Tim Boldt, which ultimately was filed in redacted form as Docket No. 28 in Case No. 11-CV-1347-ST.

Finally, the Court notes the status of Petitioner's two pending matters as follows:

In Case No. 11-CV-801-ST, the Court is reviewing Petitioner's Objections (#50, #55) to Magistrate Judge Stewart's Findings and Recommendation (#47) in which she recommends the Court grant in part and deny in part Petitioner's Amended Petition for Writ of Habeas Corpus. The Court will issue an order resolving those Objections soon, and the matter will proceed accordingly. As noted on the record of today's proceeding, Petitioner may not add grievances to his Petition in this matter and cannot use this Petition as a basis for challenging actions for which he must first exhaust his administrative remedies.

In Case No. 11-CV-1347-ST, Petitioner filed his Amended Petition (#5) for Writ of Habeas Corpus on December 15, 2011, in which he challenges two separate incident reports. Respondent has yet to file a responsive pleading. Petitioner was advised on the record at the hearing that he may not add grievances to his Petition in this matter and that he cannot use this Petition as a basis for challenging actions for which he must first exhaust his administrative remedies.

IT IS SO ORDERED.